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BEFORE THE ARIZONA CORPORATION C.

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

- KRISTIN K. MAYES - Chairman
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

DEC 23 2009

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IN THE MATTER OF APPLICATION OF BACA
 FLOAT WATER COMPANY FOR AN
 EXTENSION OF ITS CERTIFICATE OF
 CONVENIENCE AND NECESSITY.

DOCKET NO. WS-01678A-07-0116

DECISION NO. 71437

ORDER

Open Meeting
 December 15 & 16, 2009
 Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. In Decision No. 69949 (October 30, 2007), the Commission approved the application of Baca Float water Company ("Baca Float" or "Company") for an extension of its existing Certificate of Convenience and Necessity for water service.

2. As part of Decision No. 69949, the Commission ordered Baca Float to file a copy of the ADEQ Approval to Construct ("ATC") for the facilities needed to serve the first phase of development in the requested area within two years of the effective date of the Decision, which would be October 30, 2009.

3. On September 3, 2009, Baca Float filed a Motion for Extension of Time to File Compliance Item, which requested an extension until October 30, 2011, to file the required ATC. In its filing, the Company states that the property once owned by W&M Tenants in Common and Presidion de Tubac, LLC was sold to Presidio de Tubac Development, Inc. ("Presidio Development") thereby consolidating ownership. The Company reports that Presidio Development

1 has delayed its plan to develop the master planned community due to the economic downturn, and
2 expects construction to begin in 2011.

3 4. On October 1, 2009, the Commission's Utility Division ("Staff") docketed a
4 Memorandum that concludes in Staff's opinion, it is not unreasonable that the Company would seek
5 an extension of time based on postponed development given the current real estate market and
6 economic downturn. Staff notes the extension request was timely filed and included an updated
7 request for service from the new owner.

8 5. Staff states that it does not object to Baca Float's request for extension to file the
9 ATC.

10 6. Staff recommends that the deadline be extended until October 30, 2011 and that no
11 further extensions be granted.

12 7. The request for an extension is reasonable under the circumstances..

13 **CONCLUSIONS OF LAW**

14 1. Baca Float is a public service corporation within the meaning of Article XV of the
15 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

16 2. The Commission has jurisdiction over Baca Float and the subject matter of the
17 request.

18 3. The requested extension of time is reasonable and should be approved.

19 **ORDER**

20 IT IS THEREFORE ORDERED that the deadline for Baca Float Water Company to file a
21 Approval To Construct for the facilities needed to serve the first phase of development of the
22 extension area as set forth in Decision No. 69949, shall be extended until October 30, 2011.

23 IT IS FURTHER ORDERED that all other provisions of Decision No. 69949 shall remain in
24 effect.

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1 IT IS FURTHER ORDERED that no additional extensions of time shall be granted absent
2 extraordinary circumstances.

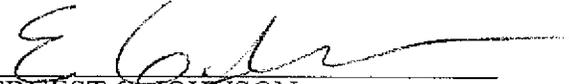
3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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6 CHAIRMAN 
7 COMMISSIONER
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9 COMMISSIONER 
COMMISSIONER 
COMMISSIONER

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12 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
13 Executive Director of the Arizona Corporation Commission,
14 have hereunto set my hand and caused the official seal of the
15 Commission to be affixed at the Capitol, in the City of Phoenix,
16 this 23rd day of December, 2009.

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18 ERNEST G. JOHNSON
19 EXECUTIVE DIRECTOR

20 DISSENT _____

21 DISSENT _____

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1 SERVICE LIST FOR: BACA FLOAT WATER COMPANY

2 DOCKET NO.: WS-01678A-07-0116

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